

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Alexander Lebedovych v Charles R Toy**
Docket No. **279058**
L.C. No. **05-000239-NM**

E. Thomas Fitzgerald, Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the motion for new trial filed on May 9, 2007, was not filed within 21 days of the April 17, 2007 entry of the order granting summary disposition as required by MCR 7.204(A)(1)(b). The Court is aware that notice of entry of the order was sent April 18, 2007, but that is not the starting point to file the appeal or the postjudgment motion. It is the entry of the order that starts the time period and that occurred on April 17, 2007.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL 20 2007

Date

Sandra Schultz Mengel
Chief Clerk